28th September 1955] [Sri C. Subramaniam]

consider the Rules about which the Report of the Select Committee has been submitted. That could be done on the 30th instant. On the 30th the Assembly will be adjourned.

DR. K. B. MENON : If the non-official day is converted into an official day, may I know whether the Bills notice for whose introduction has been given will lapse?

* THE HON. SRI C. SUBRAMANIAM : Fresh notice will have to be given.

SRI K. C. GOPALAN UNNI : Sir, you were pleased to read out certain messages received from the Governor. One message has been received in regard to the introduction of the General Sales Tax (Fourth Amendment) Bill, 1955. This House was not informed whether permission had been received for introduction of a Third Amendment Bill. Any such Bill was also not introduced.

* THE HON. SRI C. SUBRAMANIAM : Evidently the hon. Member was not alert enough. The message was received from the Governor and read out to the House.

V.—ADJOURNMENT MOTION *RE* DETENTION OF SRI ANANDAN, AN ELECTION WORKER, DURING THE PERIOD OF ELECTION.

MR. SPEAKER : I have received notice of an adjournment motion from Dr. K. B. Menon which reads as follows :— 12-30 p.m

"This House do stand adjourned to discuss a matter of urgent public importance, namely, the failure of the Government to prevent the continued detention during the period of election of Shri Anandan, one of the election workers, in spite of bail being offered twice."

The hon. Member had given a short-notice question on the same subject. I think the Hon. Minister is considering the matter and will be sending a reply. In the light of that, may I ask the hon. Member, Dr. K. B. Menon, not to press this adjournment motion to-day?

SRI K. VINAYAKAM : Sir, the point of order that I wish to drive at is this. An adjournment motion has been given notice of and also a motion under rule 40, the former by Dr. K. B. Menon and the latter by Sri Selvarajan. When these two motions are to be considered by the House, I think the Chair has to give precedence to the adjournment motion. After disposing of the adjournment motion, the motion under rule 40 has to be taken up. May I know why the Chair has given preference to the motion under rule 40 instead of taking the adjournment motion first?

MR. SPEAKER : If the hon. Member will be kind enough to refer me to the particular rule which says that adjournment motions should be given precedence over motions coming under

rule 40, I shall be glad. Now, I would request the hon. Member, Dr. K. B. Menon, to say if he would wait till the Hon. Minister gives his reply to the short-notice question which the hon. Member has already given.

* DR. K. B. MENON : Sir, the short-notice question was given by me on the 22nd instant. There is a convention, if not a rule, that a short-notice question should be answered within a week's time. The Hon. Finance Minister, when an adjournment motion was moved the other day by hon. Member Sri Kalyanasundaram, made a statement that he was taken by surprise as he did not have the facts before him. So, I gave notice of the motion two days ago. My submission is that no satisfactory interest was taken in gathering the facts either on the short-notice question or on the adjournment motion. I feel that the issue of the matter being *sub judice* does not arise in this case. Bail application, as far as I know was moved only before the Police and not before the Court. No charge-sheet has been framed. As such, my submission is that the case cannot be said to be *sub judice*.

MR. SPEAKER : Am I to take it that the hon. Member presses his adjournment motion?

* DR. K. B. MENON : Yes, please.

MR. SPEAKER : Before I say whether the motion is admissible or not, I may say that *prima facie*, the matter seems to be *sub judice*. It is said that Sri Anandan was kept under continued detention during the period of the election. A person can be kept under detention only by a Court's order for a period longer than 24 hours. Therefore, *prima facie*, I do not think that this is a matter which has great urgency, especially having regard to the fact that the elections are over now and the detention of the person could not materially affect the work connected with the elections. Under the circumstances, I request the hon. Member, Dr. K. B. Menon, to enlighten me and this House as to whether this is a matter of such paramount importance and urgency that the ordinary business of the House should be suspended and we should go into the question relating to the detention of Sri Anandan.

SRI S. SWAYAMPRAKASAM : Sir, may I say a few words regarding . . .

MR. SPEAKER : I can allow the hon. Member only if it is a point of order as I have already called Dr. Menon to explain his motion.

SRI S. SWAYAMPRAKASAM : Sir, it is a point of order. The Chair observed that a person can be detained only by the order of a Court.

28th September 1955]

MR. SPEAKER : I do not think it is a point of order. Now, Dr. Menon may explain his point. I will allow the hon. Member Sri Swayamprakasam to have his say in the matter after the House has heard Dr. K. B. Menon.

* DR. K. B. MENON : Mr. Speaker, I felt the urgency of the matter and that is why I gave notice of my short notice question, on the very same day. Though the importance of the matter is lost to some extent, it cannot be said to be lost entirely. That is the reason why I decided to move my adjournment motion.

Sir, my adjournment motion refers to the Corporation Council election in Mylapore area. There is a place in South Mylapore known as 'Lala Thottam', which is alleged to be the exclusive area of a Member of the Legislative Assembly who is standing as a candidate for this election. He had given definite instructions that no worker of the candidate who is opposing him in this election and who happens to be a Praja Socialist Party candidate, should be allowed to enter that Lala Thottam. On the morning of 18th September, it appears that some of the workers of the Praja Socialist Party candidate ventured to enter that area and also pasted posters. Then, on the evening of the same day, a free fight was started by the Congress workers. In the fight, an old lady happened to lose half a dozen of her teeth and I am told that these half a dozen teeth are in Police custody. Anyway, I am not quite sure about it. Ten persons were arrested in that connection. The Member of the Legislative Assembly is reported to have gone to the Police station and got all those ten people released. I was told that he used rather abusive language and I do not wish to repeat it on the floor of the House. The next day, there was a meeting of the Praja Socialist Party workers, I mean the election workers at 51, Mandavalli street. As the meeting was going on, a Police Sergeant entered the meeting hall on the pretext that he was looking for a rowdy. No rowdy could be found in that election meeting and the Police official left. Incidentally, I must tell that when the Police official came to the meeting, he was accompanied by a Congress worker. From the developments that followed, I am inclined to suspect that the Police official took the Congress worker along with him in order to point out to him one Sri Anandan, a worker and sympathiser of the Praja Socialist Party candidate. In this connection, I must also tell the House that the Police Sergeant, when he entered the house, had no permit with him to enter the house. After the meeting was over and when the people trooped out, the Police Sergeant picked up Sri Anandan and took him along with him. It was not known for what reason he was taken. I was told one Rathnavelu, an alleged sympathiser of the Dravida Kazhagam, was also taken along with Anandan to the Police station for interrogation. The Dravida Kazhagam gentleman was released after a little while and Anandan was detained. When it was found that

Anandan did not return to his house that evening, the candidate made representations to the Police to release him. He was not released. Then, representations were made by the Advocate the next day to the Deputy Commissioner and he produced two sureties of Rs. 2,000 each. The Deputy Commissioner was very fine about it and he assured the Advocate that the person concerned would be released. As far as my information goes, there is no definite charge in the F.I.R. (First Information Report) given to the Police. The Advocate believing the Deputy Commissioner—he should not have believed a Police Officer in that respect—went home. Something happened, some wirepulling somewhere took place with the result that there was some confusion in the mind of the Deputy Commissioner and Anandan was not released. In this connection, I understand that a very important officer of the Corporation—I do not wish to mention the name of the gentleman and take shelter under the rules of the House—has taken a very prominent part in this election. I am told that he has been going about with the candidate, with the Police and with everybody and influencing everybody. The net result was that bail was not granted by the Deputy Commissioner to Sri Anandan. He continued to be in detention. The
12-40 p.m. next day the advocate went again with the application and when he phoned the Mylapore Police station, the Police officer, who received the phone call, I do not know which officer received the phone call, seems to have told the advocate that Anandan would not be released until the election was over. The advocate went to the Police Officer, presented again the bail application. The bail application was kept in his house. It was not even sent to the office, I understand. Then the next day the papers were returned saying that the sureties were not satisfactory. A second set of surieties were again given. But the matter was not pressed afterwards because by that time the election was over and what the candidate wanted had been achieved.

My submission is, in the first place interference . . .

* THE HON. SRI C. SUBRAMANIAM: With great respect to hon. Dr. Menon, I would like to submit that in considering the adjournment motion what we are now concerned with is, how it is a matter of urgent public importance and how it comes under the rules governing admission of adjournment motions. A long statement as to what happened and how it happened would come only if the motion is permitted. The hon. Member cannot achieve his object by making a long statement now. Whether the adjournment motion is in order under the rules is the point now under consideration. Therefore the hon. Member has got to point out in brief the facts and convince the Chair how this is a matter of urgent public importance and is in order according to the rules. I am afraid the hon. Member even is going beyond all that is contemplated at this stage.

28th September 1955]

MR. SPEAKER: The hon. Member will confine himself to the point at issue.

* DR. K. B. MENON: I feel that when the *sub judice* issue was raised . . .

* THE HON. SRI C. SUBRAMANIAM: The hon. Member now seems to say that the court has nothing to do with it. But his short-notice question is "whether one Mr. Anandan under arrest for alleged offences connected with the Corporation election now on, was ordered by the court on 20th September 1955 to be released on bail". Now the hon. Member says, court had nothing to do with that.

* DR. K. B. MENON: I must submit to the Hon. Finance Minister that I have not at my disposal the efficient machinery he has at his disposal. When I made a statement I was very careful to say that "my information was". But the Hon. the Finance Minister goes to the extent of accusing me and saying that I asserted that it was. I said nothing of the kind.

* THE HON. SRI C. SUBRAMANIAM: The hon. Member then should have had contradictory informations at various times.

* DR. K. B. MENON: My question when submitted, is submitted to the office and the office makes changes in it and sends it back to me.

THE HON. SRI C. SUBRAMANIAM: Kindly see whether there is any change. There is no change.

* DR. K. B. MENON: The Hon. Minister should remember that we have no legal adviser at our disposal. When we have no legal adviser, we may make mistakes. That is why we accept the corrections from the office. The Hon. the Finance Minister has absolutely no grounds for making the complaints against us when he himself has all the machinery at his disposal.

SRI S. SWAYAMPRAKASAM: Sir, besides what the hon. Member, Dr. Menon said, I wanted to find out the real interpretation of the rules in such cases. The Chair made observations about the court and all that. I do not want to enter into a discussion on that. The Chair when it was about to admit the motion, the mere mention of "court" has lead to a doubt whether it may be *sub judice*. In such cases detention does not mean, detention by court alone. In very many cases persons are detained for more than 24 hours by police officers. In this case our information is that the police officer kept the person under detention for more than 24 hours. It is that case we would like to make out and find out from Government whether it is a fact. This is a bailable case. The affected party need not go to the court at all. Even the police authorities are authorized to release the person on bail before investigation. That is the rule. From

[Sri S. Swayamprakasam] [28th September 1955

the interpretation given by the Chair, I was made to understand that the mere mention of the words "bail" and "detention" might have led the Chair to infer that the case has gone to the court and therefore it was *sub judice*. Though the rule is that the police officers can keep persons in detention only for 24 hours, there are cases where they keep persons in detention for more than 24 hours without sending them before courts. In such csaes, the adjournment motion is in order.

SRI M. KALYANASUNDARAM : Sir, in the City, unlike the mufassal courts, the Assistant Commissioners have got powers of magistrates for the purpose of granting bail. If the Police Commissioner wanted to behave dispassionately and wanted to behave impartially he would have released the person immediately. Reports have come to our office from other divisions also. (Interruption.) I am only referring to this by way of illustration. We have received reports from other divisions where the police were partial to particular parties and they have behaved in a discriminating way against contestants. So I would like the Hon. the Leader of the House to give us an opportunity to discuss the whole question—irrespective of how the police officer behaved in this particular case—of how police officers behaved in the Corporation elections, whether the matter is *sub judice* or otherwise as we can avoid what is *sub judice*. If an hour is fixed for discussing the whole matter it will be helpful to the Hon. the Leader of the House to vindicate himself about the behaviour of the police officials. That is my submission.

* DR. K. B. MENON : Sir, granting that it is *sub judice* for arguments sake, I am not saying that it is *sub judice*, I submit we have discussed in this House many a time cases which were *sub-judice* in such a way as not to come within the mischief of the law. We can do that in this case also. I am not a lawyer. But here I have tried to avoid the actual charge that is framed against or supposed to have been framed against Sri Anandan. That side of it I have completely left out. I have only dealt with the way in which the police handled the case.

* THE HON. SRI C. SUBRAMANIAM : I would like to know from the hon. Member before going further into the matter whether his charge is that Anandan was detained by the police without an order from the court for more than 24 hours, that he was illegally detained and that a bail order was obtained from a court of law and produced before the police officer for the purpose of releasing the person from detention. If it is a question of illegal detention by police against law, certainly it is a matter which we are entitled to take cognizance of. But here in the short-notice question given notice of by him or in the adjournment motion I do not find any such thing. Therefore I would request the hon.

28th September 1955] [Sri C. Subramaniam]

Member to state whether his charge is that Anandan was illegally detained by the police beyond the period for which they have authority to detain.

* DR. K. B. MENON : I would request the Hon. Minister to bear with a Member who is not a match with him on legal matters. In the presentation of my case I have stated that the candidate approached the police officer for the release of Sri Anandan. Afterwards the advocate met the police officer and talked to him. On all these occasions the police officer gave the assurance that he would be released. So we are under the impression that he was illegally detained.

* THE HON. SRI C. SUBRAMANIAM : Though one may not be legally equipped when we come before the House we must come with facts of the case. Law will take care of itself. That is why I am asking whether he was detained in the police station or an order of the court was taken for the purpose of detaining him in remand and whether the bail was moved before a court of law and order obtained from the court for the release of the person on bail. These are facts and have nothing to do with the position of law. I would like to know from the hon. Member what the real facts are.

SRI K. VINAYAKAM : Sir, I am fully aware of the entire facts of this case. The person under reference was detained by the police authorities. This case has not gone anywhere near the portals of the court. The court has nothing to do with this case. The court has not heard anything about this case. The person under reference was detained by the police authorities in the police station at Mylapore and the bail which the party wanted to move was submitted before the Deputy Commissioner. That has nothing to do with a court of law. So, Sir, it is not a matter which is *sub judice*. This is a case where the police acted beyond their powers. Illegal detention has been clearly proved in this case beyond any reasonable doubt. The entire structure of democracy is in peril. Who is ruling now? Is it a set of rowdies, abetted by Congress authorities and encouraged by . . .

* THE HON. SRI C. SUBRAMANIAM : With great respect to the hon. Member, I ask him that he should withdraw it. 12-50 p.m.

SRI K. VINAYAKAM : I still stand by that statement. There is nothing wrong in it and I can substantiate it.

MR. SPEAKER : I think, the hon. Member has transgressed the ordinary Parliamentary practice of using with care those words. He has used the words " rowdies abetted by the Congress authorities ". It would be good and proper that he withdraws those words and expresses his regret for the same.

SRI K. VINAYAKAM : If it offends the good sense of the Congress-gods in power, I am prepared to withdraw the statement. Sir, I still emphasise that some influential Congressmen are behind all these methods. They have interfered with the elections in the various divisions in the City. One such instance has occurred in my division, Kodambakkam. (Interruption.) I am only throwing more light and strengthening the issue. So, it is not a matter falling under " *sub judice* ".

* THE HON. SRI C. SUBRAMANIAM : Sir, may I be permitted to say a few words. With reference to the short-notice question, I shall read it out so that it will throw more light on the facts of the case. This question was given on 22nd September 1955 and somehow I have not got notice of the question and I do not know where the mistake has taken place. The question runs as follows :—

" (*a*) whether one Mr. Anandan under arrest for alleged offences connected with the Corporation elections now on, was ordered by the Court on 20th September 1955 to be released on bail ;

(*b*) whether the order of the Court has been given effect to and if not, the reasons for the same ; and

(*c*) whether under similar instances Congress workers who had been arrested have all been let on bail? "

Unfortunately, I got notice of even the adjournment motion only this morning. My information is that there was a procession by the sympathisers of the Congress Party for election purposes and certain rowdies threw soda bottles and stones on the processionists and Anandan was one of them and he has been arrested for this purpose. That is the allegation and I do not know how far it is true or not. That is a matter which will go before the court for adjudication. These are the facts but the point has been raised that there has been an illegal detention. Even if there is an illegal detention, there are courts to decide the matter. Writs can be immediately moved in the High Court. So, it should not be a matter which should be taken by this House in the form of an adjournment motion. Also, there is no question of urgency in it. As I said, alternative remedies are available to the parties concerned and certainly those remedies could be sought by them. So, I would advise the hon. Member to move the Court for the purpose of getting redress in the matter.

SRI S. SWAYAMPRAKASAM : On a point of order, Sir. We are discussing the adjournment motion but the Hon. the Leader of the House referred to the short-notice question which was given on 22nd September 1955. Generally the short-notice question is admitted when the Hon. Minister consents to answer it within a week and that is the practice we are following. As the answer for this short-notice question has not been received till to-day, the hon. Member, Dr. Menon, has given notice of this adjournment motion.

28th September 1955] [Sri S. Swayamprakasam]

It is easy for the Government or the Hon. the Leader of the House to get the information from Mylapore, which is only in the Madras City. Even now he says that he is not sure about what happened there. Evidently, it shows that he is not in possession of any facts submitted through his department. Therefore, is it in order for the Hon. Minister to refer to the short-notice question which he is not prepared to answer, when we are discussing the adjournment motion to-day?

* THE HON. SRI C. SUBRAMANIAM : I am really surprised that the hon. Member should raise this point of order. In any event, it is not a point of order. (Interruption from Sri S. Swayamprakasam.) The hon. Member has raised the point of order so that he might have an opportunity to speak. (Interruption from Sri S. Swayamprakasam.)

MR. SPEAKER : Order, order. Please allow the Hon. the Leader of the House to speak.

SRI S. SWAYAMPRAKASAM : I have raised a point of order.

* THE HON. SRI C. SUBRAMANIAM : That is not a point of order. It is admitted that the short-notice question and the adjournment motion relate to the same subject. It is only because the short-notice question has not been answered, that the hon. Member has brought it in the form of an adjournment motion. Therefore, there is no point in saying that I should not refer to the short-notice question because I find certain facts there. Just as I have stated that I have not got notice of the short-notice question, I have also not received notice of the adjournment motion until this morning. Therefore, I am not in possession of any information as furnished by the department. Whatever information has been made available to me, I have told the House. So, under rule 41 of the Assembly Rules—with which alone we are concerned now—this matter cannot come under an adjournment motion.

SRI M. KALYANASUNDARAM : Sir, if the Hon. the Leader of the House wants more time, this motion can be taken up to-morrow because it is important. What we are now concerned, is not the release of Anandan but the behaviour of the police during the elections. Without prejudice to the facts of the case, I wish to state that it is necessary to discuss the behaviour of the police in detaining the person for five days in a police lock-up . . .

* THE HON. SRI C. SUBRAMANIAM: Why does the hon. Member bring in another matter to which the Mover of the Motion did not refer?

SRI M. KALYANASUNDARAM : That is my information. If that is disproved, I am prepared to correct my information. But as the matter is important and the behaviour of the police is involved in it, I submit that this can be taken up tomorrow so that the Hon. the Leader of the House can collect all the information.

[28th September 1955

* THE HON. SRI C. SUBRAMANIAM : Now that the results are being announced, we need not prepare excuses for defeats and that is quite a different matter altogether. One need not create the impression that the Police has misbehaved and that is why other parties have not won and have suffered defeat. That is the impression which the hon. Member wants to create. I would give an assurance to hon. Members that if they have got any specific charge against any Police officer, we are prepared to look into it and make a proper enquiry. But that need not be discussed here as it will serve no purpose. Therefore, I would request hon. Members not to carry on agitation like this to justify their defeats. Apart from it, this matter cannot come under an adjournment motion under rule 41, even if I bring the necessary information . . .

* DR. K. B. MENON : The insinuation made by the Hon. Minister . . .

THE HON. SRI C. SUBRAMANIAM : It is not an insinuation but is a fact.

* DR. K. B. MENON : As for the results which are out, other parties are not put on the defence and they are still on a par with the Congress relative to the number of candidates put up. Therefore, we have not got to put up any defence. It is not with that object that we have brought this adjournment motion. The municipal elections are not over and the police should set a good example. During the elections in 1951, the Police kept completely aloof from the elections. But in the recent by-elections and municipal elections, the Police have been poking their nose in. The Police should know, what they should do and what their place is and that is why we are pressing the adjournment motion I have no objection if the matter is to be postponed for discussion to-morrow.

1 p.m. * THE HON. SRI C. SUBRAMANIAM : There is no use of making general charges. I have already stated that if specific charges are made, I am prepared to enquire into them. But if you still press the motion, no useful purpose will be served, and naturally I will be forced to oppose the motion. If the hon. Member thinks his Party is on a par with the Congress Party because it has won two out of 38 seats, let him congratulate himself upon it.

MR. SPEAKER : The only question is whether I should give my consent to move this adjournment motion. I am sorry that in the discussion a lot of extraneous matter has been brought in. Hon. Member, Dr. K. B. Menon, sent a short-notice question on 22nd September 1955, wherein he definitely states, as referred to by the Hon. Leader of the House, whether one Mr. Anandan under arrest for alleged offences connected with the Corporation

28th September 1955] [Mr. Speaker]

elections now on, was ordered by the Court on 20th September 1955 to be released on bail. Because Dr. K. B. Menon did not get an answer to it, immediately he followed it up by an adjournment motion which was handed over yesterday. The Hon. Leader of the House has not been given notice of this short-notice question. It has been given to the Department and I do not think that that has been actually given to him for the purpose of giving a reply. In the face of the short-notice question which definitely speaks of alleged offences and an order by the Court and of the fact that hon. Member, Dr. K. B. Menon himself, is not sure of his ground and says that he only understands that there is no matter pending in Court, I think we shall be treading on dangerous grounds if we discuss a matter which is *sub judice*. Therefore, I find there is really no case of urgency made out. On these considerations I think that this adjournment motion is not in order and therefore leave is not given.

VI.—GOVERNMENT MOTION

MOTION UNDER RULE 23 OF THE ASSEMBLY RULES *re*; CHANGE OF THE ORDER OF BUSINESS.

* THE HON. SRI C. SUBRAMANIAM : Mr. Speaker, Sir, I beg to move—

"That rule 23 of the Madras Assembly Rules be suspended and the House do resolve to transact Government business on Thursday the 29th September 1955."

MR. SPEAKER : The question is—

"That rule 23 of the Madras Assembly Rules be suspended and the House do resolve to transact Government business on Thursday the 29th September 1955."

The motion was put and carried.

VII.—GOVERNMENT BILL.

THE MADRAS TENANTS AND RYOTS PROTECTION (AMENDMENT) BILL, 1955.

THE HON. SRI M. A. MANICKAVELU : Mr. Speaker Sir, I beg to introduce the Madras Tenants and Ryots Protection (Amendment) Bill [a], 1955 and move—

"That the Bill be taken into consideration at once."

Sir, with regard to tenants and ryots, there is now protection to all categories of tenants except those in the estates which are not taken over. Now, they also require protection and that is why, last year also the Madras Tenants and Ryots Protection (Amendment) Act was extended. Now, it looks as though some more time is required to decide about this question of taking up the

[a] Published in the *Fort St. George Gazette* Extraordinary, dated 22nd September 1955.